

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

Mail Processing Network Rationalization
Service Changes, 2012

Docket No. N2012-1

AMERICAN POSTAL WORKERS UNION, AFL-CIO,
MOTION FOR ACCESS TO
NON-PUBLIC INFORMATION IDENTIFIED
AS USPS-LR-N2012-1/NP1 NP2, NP3, NP4, and, NP6
(December 8, 2011)

Pursuant to 39 CFR 3007.40 and Rule 21 of the Commission's Rules of Practice and Procedure, the American Postal Workers Union, AFL-CIO (APWU) hereby moves for access to certain Postal Service materials filed in the non-public annex of this docket.

APWU seeks access to the following non-public Library References:

- USPS-LR-N2012-1/NP1 Market Research Materials; and
- USPS-LR-N2012-1/NP2 FY2010 Workload Volume by Operation Type; and
- USPS-LR-N2012-1/NP3 Scoring Tool; and
- USPS-LR-N2012-1/NP4 Area Adjusted Results and Equipment Calculator Scoring Tool; and
- USPS-LR-N2012-1/NP6 Calculating Air Transportation Cost Change.

The Postal Service submitted these Library References as part of its initial case filing with the Commission initiating this docket on December 5, 2011. However, the Postal Service did not file an application for non-public treatment for any of the above non-public Library References as required by 39 C.F.R. §§ 3007.20 and 3007.21. The Postal Service also failed to file redacted versions of the non-public Library References

for public filing as required by 39 C.F.R. § 3007.10(b). As a result, the Postal Service has not satisfied its burden of demonstrating that the materials require non-public treatments.

In order to avoid unnecessary delay in this docket, APWU is willing to assume, though not concede, that the Postal Service has legitimate reasons for filing Library References NP1-NP4 and NP6 under seal. However, it is highly unlikely that any claimed privilege for keeping the material non-public will apply to the APWU. APWU is the exclusive collective bargaining representative of postal employees in the clerk, maintenance, and motor vehicle service crafts nationwide. APWU also mails millions of letters, periodicals, and packages each year and APWU members and retirees make extensive use of postal products and services. The changes proposed in this docket could have a significant impact on APWU represented employees and on the APWU and its members as a large user of the mail. Accordingly, APWU has intervened and will participate actively in this docket. However, APWU is not a competitor and poses no risk to the commercial success of the Postal Service. Furthermore, APWU has regularly obtained non-public information filed with the Commission in numerous dockets without objection of the Postal Service. Therefore APWU respectfully requests access to the above referenced non-public Library References.

In accordance with 39 CFR 3007.40(b), the following APWU representatives, consultants and attorneys have completed a Statement of Compliance with Protective Conditions Certification, found in Appendix A to Part 3007 of Title 39 of the Code of Federal Regulations, for Library References USPS-LR-N2012-1/NP1, NP2, NP3, NP4, and NP6:

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American Postal Workers Union, AFL-CIO

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A copy of each Certification is attached hereto. The original Certifications will be promptly filed with the Commission. Persons identified by the Postal Service pursuant to Section 3007.2(c) have also been provided with a copy of this Motion and accompanying certifications today by email.

Conclusion

For the forgoing reasons, APWU respectfully requests that access to Library References USPS-LR-N2021-1/NP1, NP2, NP3, NP4, and NP6 be granted to the above named individuals.

Respectfully submitted,

Jennifer L. Wood
Counsel for American Postal Workers Union, AFL-CIO